

Atty. Dkt. No. 057898-0102

REMARKS

The amendment is filed as a replacement amendment for the response filed on April 27, 2004 for this application. The April 27, 2004 response is withdrawn.

Applicant respectfully requests reconsideration of the present application in view of the foregoing reasons which follow. Claims 47, 48, 52, 53, 55, 80, 81, 82, 107, 108, 109, 110, 119, 124, 127, 129, 137, 138, and 139 have been amended. Claims 49, 57, 77, 85, 105, and 113 have been cancelled. Also, new claims 140-180 have been added to further protect applicant's invention. Claims 140 is an independent claim with selected image data limitations and also includes two additional distinguishing limitations added in order to permit faster access to deposited funds by selected individual customers, while at the same time limiting losses from deposit fraud. The limitations are "*the central site comparing at least one deposit parameter that is not an account number to an individual customer limit;*" [NOT IN GEER] and "*sending a notice if the individual customer limit is exceeded;*" [NOT IN GEER]. Claims 141-153 depend from claim 140. Claim 154 is an independent claim and is comparable to claim 140, but in program product format. Claims 155-166 depend from claim 154 and are comparable to claims 141-153. Likewise, claim 167 is an independent claim that is comparable to claim 140, but in system format. Claims 168-180 depend from claim 167 and are comparable to claims 141-153. These claims will be discussed later in these remarks. Note that certain inconsistencies on the wording "endorsed and/or voided" has been corrected.

Some of the distinguishing points of claim 47 are discussed below:

47. (Currently Amended) *A method for deposit processing at a central site a plurality of original checks deposited at a remote site with accompanying deposit information, comprising the steps of:*

the central site receiving deposit information for a plurality of different deposit transactions, with the deposit information including for each of the different deposit transactions a deposit account designation, electronic check data and original check image data for at least one check to be deposited, wherein the central site is not a bank of first deposit for these checks [NOT DISCLOSED BY GEER] and wherein the deposit account designation for each of a plurality of the checks is to a different remote bank of first deposit [NOT DISCLOSED BY GEER].

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the central site identifying image data errors in the electronic data received [NOT DISCLOSED BY GEER];

if image data errors are identified in the electronic data, then the central site sending an instruction to the remote site to correct the errors [NOT DISCLOSED BY GEER];

the central site receiving endorsed and/or voided check image data;

a computer at the central site associating the endorsed and/or voided check image data with the original check image data [NOT DISCLOSED BY GEER];

the central site transmitting the electronic deposit data for each different deposit transaction of the plurality to a respective different one of the remote banks of first deposit [NOT DISCLOSED BY GEER];

sorting the associated received data; and

the central site transmitting electronic check data and the original check image data and/or the endorsed and/or voided check image data initially directly or indirectly to a maker bank or a print site associated therewith with the transmitting not being via the bank of first deposit for that deposit transaction [NOT DISCLOSED BY GEER].

Claim 47 has been amended to include the limitations of claim 49. Additionally, claim 47 has been amended to clarify that the claimed central site it is not acting as a bank of first deposit for the particular checks in the deposit transactions covered by the claim. Thus, it is clear that the central site is being used to process deposit transactions for a plurality of different remote banks of first deposit. It is now clear that the central site is remote from the banks of first deposit in these deposit transactions and that there is a sending step to these different remote banks of first deposit. Note that it is possible that a bank of first deposit could be located at the central site, but in that case, these claims would not cover transactions with that co-located bank of first deposit, but would only cover transactions with remote banks of first deposit.

Likewise, the claim has been amended to clarify that the transmitting step from the central site directly or indirectly to the maker bank is not initially by way of the bank of first deposit. The language for this element means that a transmission going indirectly to the maker bank by way of a Federal Reserve clearing process is covered by the claim, but the claim does not encompass transmissions from the central site to the maker bank by way of the bank of first deposit. The word "initially" has been added to clarify that later clean-up reconciliation procedures could occur through the bank of first deposit, and such transmissions are not covered by the claim.

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The claim has also been amended to delete an authorization step and to clarify the relationship of the print site to the maker bank.

Referring now to the rejection, the claims have been rejected under 35 USC 103 using a four-reference combination of Geer, in view of Lowrey, in view of Hanaoka, and further in view of Campbell. This rejection is respectfully traversed and reconsideration is requested.

The claimed invention of claim 47 covers a comprehensive system to handle and process deposit transactions and direct them after processing to multiple banks of first deposit. The claimed system is designed to handle the problems raised by deposit processing that is based on image processing. It uniquely uses check images as a deposit medium. The problems encountered in designing a central site in accordance with the present invention included problems with image errors and making sure that such image errors did not get propagated into the banking system, receiving endorsed and voided check image data and associating that image data with the original check image data, sending the electronic deposit data to multiple remote respective banks of first deposit in accordance with the deposit information, and also sending the electronic check data and image data to the maker bank, with the transmission bypassing the bank of first deposit for that transaction.

Geer does not disclose a central processing site that processes deposit transactions for multiple remote banks of first deposit. Rather Geer discloses a lock-box operation. The examiner admits that Geer does not disclose or suggest a central site identifying image errors, or sending an instruction to the remote site to correct the image errors. Since a fundamental aspect and currency of the present invention is the use of images, having accurate image data is essential. If accurate image data is not received by the central site, for example because of a transmission error or because of an imaging error when the remote site performed the initial imaging process, then the remote site is tasked with fixing the error. The examiner cites Lowrey to make up for the deficiency of Geer. However, Lowrey uses an exception database 122 to correct the demand deposit account data, not image data. Moreover, Lowrey does not send a signal to the remote site to correct the data. See Lowrey at column 9, lines 1-11. Lowrey further discloses that if the incorrect demand deposit data is submitted to the financial institution data source 128, 129 (see Fig. 2b of Lowrey) and is actually put into the payment system (an inefficiency avoided by the claimed process for the image data) and returned for an invalid account number, then an exception condition arises and the system obtains an original stored check image from a host data warehouse 114 (not the remote site which originally sent the data to the central site) and uses this information to correct the demand deposit account data. See Lowrey at column 9, lines 12-22. This is in marked contrast to the claim 47, which now calls for the steps of

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"if image data errors are identified in the electronic data, then the central site sending an instruction to the remote site to correct the errors;". These steps call for a sending step to be used to have the remote site, which performed the original imaging and has the original hard copy of the check and which has the option of re-imaging and/or retransmitting the check image if a transmission error has occurred, to correct the image errors. It further means that the check image for the deposit transaction does not proceed further and the bank of first deposit and the maker bank never receive the erroneous image data. Thus, even if the lock-box operation of Geer could be modified using Lowrey (which it cannot), Lowrey does not teach the missing limitations.

The examiner cites Hanaoka for the authorization step. As this claim limitation has been deleted, this reference is no longer pertinent. However, for the record it is noted that Hanaoka merely relates to a printer, and the portion of Hanaoka cited by the examiner (column 8, lines 25-41) merely relates to detecting text errors, not image errors, and not at a central site, but rather at the remote printer site. Moreover, a bank is doing the checking of account data rather than image data. Thus, Hanaoka does not make up for the deficiency of Geer and the context of Hanaoka with the errors being detected at the remote site teach away from any viable combination with Geer to meet this limitation.

The examiner admits at page 5 of her office action that Geer does not disclose the central site receiving endorsed and/or voided check image data and associating the endorsed and/or voided check image data with the original check image data, and then transmitting either the original image data or the endorsed and/or voided check image data to the maker bank or a print site. The examiner cites Campbell to make up for these deficiencies. Campbell discloses a check image transmitter system that sends images of checks from either a payor bank to a bank of first deposit (a return) or from the bank of first deposit to the payor bank. See column 2, lines 39-49 of Campbell. Campbell does not discuss whether or not the checks are endorsed or voided. Whether or not they are, there is no disclosure in Campbell of using a central site to process checks for multiple banks of first deposit using images and which site is not the bank of first deposit for these transactions. There is no disclosure of doing any form of associating of the endorsed and/or voided check images with the original check image data. Nor is there any disclosure of transmitting either the original check image data and/or the endorsed and/or voided check image data directly or indirectly to a maker bank or print site, but not via the bank of first deposit for the check. Thus, Campbell does not make up for the multiple deficiencies of Geer.

The foregoing explanation applies equally to claim 75 (program product format), which tracks the limitations of claim 47, as well as to claim 103 (system format) which tracks the limitations

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of claim 47. Note that there are numerous dependent claims which are allowable in their on right. Only selected dependent claims will be argued at this time.

Regarding claims 52 and 53, which include various limitations relating to determining whether a maker bank requires a hard copy of a check, the examiner admits that Geer does not disclose such a limitation, but cites Campbell at column 3, lines 45-52 to make up for this deficiency. However, this citation of Campbell makes no reference to a print site. Moreover, Geer teaches away from such a combination with its statements at column 4, lines 1-9, and the description of Geer's first embodiment where the paper checks are destroyed (column 7, lines 26-27) and Geer's second embodiment where the paper checks are not printed at a remote site but rather are physically transported to the maker bank (column 10, lines 50-52).

Regarding claim 54 relating to non-storage if an error is detected, the examiner's comments cannot stand in view of the analysis provided above for the deficiencies of Lowrey.

Regarding claim 55 relating to an electronic notification that a deposit is complete, the examiner cites Geer at column 9, lines 45-50. However, this citation in Geer relates to check dishonors by the payor bank, which is the opposite of completing a deposit at a bank of first deposit.

Regarding claim 58 relating to returns, the examiner cites Geer at column 9, lines 45-50. However, there is no reference in this citation to return check image data being sent. The rejection of claim 59 that relates to sending return check image data directly or indirectly to the maker bank, fails for the same reason.

Claim 60 relates to determining, in a re-presentment context, whether a hard copy of the check is required. The examiner cites Geer at column 9, lines 45-50 as meeting this limitation. However, this citation of Geer does not disclose such a hard copy determination.

Regarding claim 119 that relates to multiple remote sites, the examiner cites Geer at column 7, lines 4-25. However, Geer does not disclose "endorsing and/or voiding the original one or more checks to obtain endorsed and voided checks;" or "creating an image of each of a plurality of the endorsed and/or voided checks to obtain endorsed and voided check image data;" or "electronically associating the electronic deposit data, the electronic check data and the original check image data and the endorsed and/or voided check image data;" or "transmitting the electronically associated electronic check data and the original check image data and/or the endorsed and/or voided check image to the central site." Thus, the rejection of this claim cannot stand.

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Regarding claim 121, the examiner states that this limitation regarding determining whether the endorsement information at the remote cite is up-to-date, and if not, then downloading the up-to-date information is obvious. It is timely requested that the examiner substantiate this statement per MPEP 2144.03.

Regarding claim 122 relating to comparing an amount of one or more checks against a deposit maximum, and providing a notice if the deposit exceeds the maximum, the examiner cites Geer at column 9, lines 52-63. However, this citation relates to account balances in checking accounts or savings accounts and contains no reference to a deposit maximum or sending out a notice. Account balances in checking accounts and savings accounts have no relation to a deposit maximum.

Claim 123 relates to the remote site receiving return check image data. The rejection of the examiner relies on Geer at column 9, lines 45-50, and fails for the same reason as the other return claims discussed above.

Claim 135 relates to the central site sending endorsement information to the remote site. The examiner cites Geer at column 11, lines 40-45 to meet this limitation. However, this citation has nothing to do with sending endorsement information, much less sending it from the central site.

Regarding claim 138 relating to transmitting both the original check image data and the endorsed and/or voided check image data, the examiner cites Campbell at column 2, lines 43-46 and column 3, lines 5-10. However, these citations relate to imaging the front and back of a check and have nothing to do with a transmission step where both original check image data and endorsed check image data are transmitted.

New claims 140-147 have been added to cover the aspect of comparing one or more *deposit parameters to various individual customer limits*. The basis for these limitations may be found in applicants' specification at pages 5, and 16-20, for example.

140. (Currently Amended) *A method for deposit processing at a central site a plurality of original checks deposited at a remote site with accompanying deposit information, comprising:
the central site receiving deposit information for a plurality of different deposit transactions,
with the deposit information including for each of the different deposit transactions a deposit account*

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designation, electronic check data and original check image data for at least one check to be deposited;

the central site comparing at least one deposit parameter that is not an account number to an individual customer limit [NOT IN GEER];

sending a notice if the individual customer limit is exceeded [NOT IN GEER];

the central site receiving endorsed and/or voided check image data [NOT IN GEER];

a computer at the central site associating the endorsed and/or voided check image data with the original check image data [NOT IN GEER]; and

the central site transmitting electronic check data and the original check image data and/or the endorsed and/or voided check image data initially directly or indirectly to a maker bank or a print site [NOT IN GEER].

Independent claim 140 distinguishes over the references for various reasons listed above relating to the check image data manipulation, but also includes two additional distinguishing limitations added in order to permit faster access to deposited funds by selected individual customers, while at the same time limiting losses from deposit fraud. The limitations are "*the central site comparing at least one deposit parameter that is not an account number to an individual customer limit;*" [NOT IN GEER] and "*sending a notice if the individual customer limit is exceeded;*" [NOT IN GEER]. The dependent claims 141-147 cover various customer deposit parameters that can be used, by themselves, or in combination. It is noted that claim 122 relating to comparing an amount of one or more checks against a deposit maximum, and providing a notice if the deposit exceeds the maximum, provides one possible customer deposit parameter that was previously examined. Regarding this claim the examiner cited Geer at column 9, lines 52-63. However, this citation relates to account balances in a checking account or savings account and contains no reference to a deposit maximum or sending out a notice. Account balances in checking accounts or savings accounts have no relation to a deposit maximum.

Note that dependent claims 148-153 depend from claim 140 and set forth limitations previously examined in the context of earlier claims. Claims 154-181 are claims comparable to claims 140-153, but in program product and system formats.

It is noted that the Examiner has in the past taken official notice of a number of limitations in accordance with MPEP 2144.03, applicants traverse/challenge these official notice statements based on personal knowledge and request that each point of official notice be supported by a citation to a

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reference, as set forth by the MPEP Office requirements. This traverse of the official notice is made insofar as these statements of official notice are applied to the claims as amended.

In view of the foregoing amendments and remarks, the application is ready for allowance.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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